

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIO AVILA, on behalf of himself and all §
others similarly situated employees, §

Plaintiff, §

v. §

PROJECT RESOURCES GROUP, INC., §

Defendant. §

CIVIL ACTION NO. 4:17-cv-03762

ORDER

Pending before the Court is Plaintiff's Motion to Conditionally Certify a Collective Action and to Issue Notice. After considering the pleadings, the motion, and the responses thereto, the Court **GRANTS** Plaintiff's motion.

IT IS THEREFORE ORDERED THAT:

1. The Court conditionally certifies a collective action under section 216(b) of the Fair Labor Standards Act, and authorizes Plaintiff's counsel, Clayton D. Craighead, of The Craighead Law Firm, PLLC, to issue opt-in notices and consent forms to Field Investigators of Defendant who did not receive overtime from Defendant, at any time during the three-year period preceding the date of this Order.

2. The Court further orders Defendant to produce to Plaintiff's counsel in a usable computer readable electronic format no later than seven (7) days from entry of the Court's Order, the names, last known addresses (personal and work), last known residential and personal cell phone numbers, e-mail addresses (personal and work), and dates of work, of all current and

former Field Investigators of Defendant who did not receive overtime from Defendant, at any time during the three-year period preceding the date of this Order.

3. Within ten (10) days of today's date, Defendant shall issue a declaration or affidavit, under penalty of perjury, stating that Defendant has produced a complete and accurate list of all current and former Field Investigators of Defendant who did not receive overtime from Defendant, at any point during the three-year period preceding the date of this Order; that no employees have been excluded from the lists; that the lists include all of the data ordered to be produced by the Court in this Order; and that they have has performed a thorough investigation, including the number of hours spent in preparing the list.

4. The Court orders that the envelope that the aforementioned opt-in notices may be mailed in may state on the outside of the envelope in regular or bold typeface and in all caps: "Important – Court Authorized Notice of Unpaid Overtime Lawsuit Against Project Resources Group, Inc." Plaintiff's counsel may also e-mail the notices to the putative plaintiffs with the same notice on the cover e-mail attaching the notices. Notice may be sent by both methods twice in a forty five-day period. The opt-in period will expire at the end of the forty five-day period, running from the date the first notices were sent.

5. The Court orders that the form and substance of the opt-in consent forms to be sent to the putative plaintiffs shall be in the same form and substance as the consent form that was attached to Plaintiff's Motion.

6. Defendant are hereby prohibited from communicating directly or indirectly with any current and former Field Investigators of Defendant who did not receive overtime from Defendant, about any matters which touch or concern the settlement of any outstanding wage claims or other matters related to this suit from the date of this order through the forty five-day

opt-in period. This order shall not restrict Defendant from discussing with any current employees matters that arise in the normal course of business.

SIGNED THIS ____ DAY OF _____, 2018.

LEE ROSENTHAL
UNITED STATES DISTRICT JUDGE